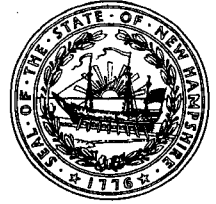


State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET #SC2005-002**

June 27, 2005

Emerald Woods Development, LLC  
Attn: Eric Katz  
210 Commerce Way  
Suite 150  
Portsmouth, NH 03801

**RE: Wetlands Bureau Complaint File #2002-641, Site Specific Permit #WPS-6567,  
Emerald Woods Development, LLC, Littleworth Road, Dover Tax Map F / Lot 22A.**

Dear Mr. Katz:

On June 7, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on the City of Dover Tax Map F as Lot 22A (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law and RSA 485-A:17, the Water Management and Protection Law.

During the inspection, the following deficiencies were documented:

1. The construction is not in accordance with approved plans approved for the Wetlands Permit #2002-641 and the Site Specific Permit #WPS-6567. Specifically:
  - a. Approximately 300 sq. ft. of unauthorized fill and/or disturbance in wetlands has occurred at station 1+16 right.
  - b. Excessive sediments have accumulated in wetlands due to unstabilized slopes located at station 3+30 right. Approximately 100 sq. ft. of wetland filled with sediment.
  - c. Excessive sediments have accumulated in wetlands due to unstabilized slopes located at station 5+50 right. Sediment is covered with leaves and small logs. Approximately 200 sq. ft. of wetland filled with sediment.
  - d. Approximately 650 sq. ft. of unauthorized fill and/or disturbance in wetlands has occurred at station 5+50 right.
  - e. Approximately 100 sq. ft. of unauthorized fill and/or disturbance in wetlands has occurred at station 5+50 left.
  - f. Approximately 650 sq. ft. of unauthorized fill and/or disturbance in wetlands has occurred at station 7+47 right.

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- g. Approximately 600 sq. ft. of unauthorized fill and/or disturbance in wetlands has occurred at station 3+00 right (Susannah's Lane).
- h. Stabilized construction entrance not constructed in accordance with approved plans for both Emerald Drive and Susannah's Lane.
- i. Treatment swale, identified on approved plans as D-22, located adjacent to NH Route 9 is not constructed and stabilized in accordance with approved plans.
- j. Swale located at station 2+10 right (Susannah's Lane) is not constructed and stabilized in accordance with approved plans.
- k. Loam pile located at station 2+00 right is not stabilized.
- l. Loam pile located at station 5+50 left is not stabilized.
- m. Loam pile located at station 7+00 right is not stabilized.
- n. Loam pile located at station 15+00 left is not stabilized.

**In response, you are requested to take the following actions:**

- 1. Retain a qualified wetland consultant to generate a plan which depicts existing conditions showing the topography of the property, and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.
- 2. Submit both the existing conditions plan, and a restoration plan no later than **July 15, 2005** for review and approval including:
  - a. A plan with dimensions for the removal of the unpermitted fill in wetlands as quantified above and regrading the disturbed areas to original contours;
  - b. Planting plan for the stabilization of the removal areas;
  - c. Equipment and methods of erosion control (silt fence, hay bales, etc.);
  - d. Construction sequence and timetable for accomplishing remediation no later than **August 15, 2005**.

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3. Retain a qualified wetland consultant to supervise and execute the requests of this letter.
4. Execute the restoration plan immediately upon receipt of the restoration plan approval from the DES Wetlands Bureau.
5. Construct stabilized construction entrances for Emerald Drive and Susannah's Lane and maintain them in accordance with approved plans by **June 30, 2005**.
6. Construct and stabilize the treatment swale, identified on approved plans as D-22, located adjacent to NH Route 9 in accordance with approved plans by **June 30, 2005**.
7. Construct and stabilize swale located at station 2+10 right (Susannah's Lane) in accordance with approved plans by **June 30, 2005**.
8. Stabilize all loam stockpiles that are not continuously being used with temporary seed and hay mulch and install silt fence at the toe of the stockpiles by **June 30, 2005**.

RSA 482-A, the New Hampshire Wetlands law and RSA 485-A:17, Water Management and Protection Law were enacted to protect and preserve wetlands, surface waters and alteration of terrain activities from unregulated despoliation.

Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 485-A:17 will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Compliance Investigator  
Wetlands Bureau  
Department of Environmental Services  
50 International Drive  
Suite 200  
Portsmouth, NH 03801

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Should you have any questions regarding this letter, or wish to arrange a meeting, please contact David Price at (603) 559-1514 or by e-mail at *dprice@des.state.nh.us*.

Sincerely,

**COPY**  
*Frank D. Richardson*

Frank D. Richardson, Ph.D.  
Senior Wetlands Inspector  
Coastal Region Supervisor  
DES Wetlands Bureau

FDR/dap

CERTIFIED MAIL #7003 1010 0003 3557 2371

cc: Rene Pelletier, Manager, Land Resources Management Program  
DES Legal Unit  
Dover Conservation Commission  
Alan Dews, City of Dover  
David Fuller, SADCO